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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,765	03/16/2004	David O. Nelson	G11.005	3430
28062	7590	11/30/2005	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC			NGUYEN, KIMBERLY D	
5 ELM STREET			ART UNIT	
NEW CANAAN, CT 06840			PAPER NUMBER	
			2876	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,765

Applicant(s)

NELSON, DAVID O.

Examiner

Kimberly D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 6 July 2004, 16 April 2004, 16 March 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Warmack (US 2002/0161701 A1).

Claims 1, 3-4, 7-9, and 12: Warmack teaches a method comprising  
identifying a payment account identifier (i.e., "This scanner/terminal identifies the card  
and transmits the particular numerical representation to the credit card host ..." paragraph 12,  
lines 5+);

identifying a first authorization request involving the payment account identifier, the first  
authorization request was declined for a transaction (paragraph 12, lines 9-17); and

creating a manual authorization record associated with the payment account identifier and  
the transaction using information from the first authorization request, the manual authorization  
record allowing approval of a second authorization request involving the payment account

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identifier and the transaction (i.e., "... that alerts the main credit card owner of any and all financial transactions the occur with the owner's particular card. Such a system will allow the owner of the particular card the chance to accept, deny, or flag the particular transaction." paragraphs 13, 25, 11-25, and 34-49).

Re claims 2 and 11: Warmack teaches the payment account identifier is associated with a purchasing card issued to a purchasing entity (i.e., the card owner) having a program administrator (i.e., the card owner) (paragraphs 13, 25, 11-25, and 34-49).

Re claims 4-5 and 13-14: Warmack teaches the payment account identifier is associated with at least one of account-level (i.e., the card owner's level) authorization control (paragraphs 12-13 and 23).

Re claims 6 and 15: Warmack teaches that the card owner has a means to respond to each and every transaction so as to provide verification for the credit card owner and to provide a limited time to the card owner to cancel, accept, deny any credit card transaction electronically (paragraphs 13 and 23), which the manual-authorization-record/transaction created by the card owner (at the later time for example) can override the previously cancelled or denied transaction by the card owner.

Re claim 10: Warmack teaches an apparatus comprising  
a processor (a processing network; paragraph 12); and  
a memory (database/databank; paragraphs 37-40) in communication with the processor  
and storing instructions for operating the processor to:

receive an authorization request message, the authorization request message identifying a payment account and terms of a transaction (paragraphs 12-13);

declining the authorization request message based on a failure of the terms to comply with one or more account limitations associated with the payment account (paragraphs 12-13);

establishing a manual authorization record including information from the first authorization request message; and

authorizing a subsequent authorization request message associated with the payment account by comparing terms of a subsequent transaction with the manual authorization record (that the card owner has a means to respond to each and every transaction so as to provide verification for the credit card owner and to provide a limited time to the card owner to cancel, accept, deny any credit card transaction electronically (paragraphs 13 and 23), which the manual-authorization-record/transaction created by the card owner (at the later time for example) can override the previously cancelled or denied transaction by the card owner.)

### *Conclusion*

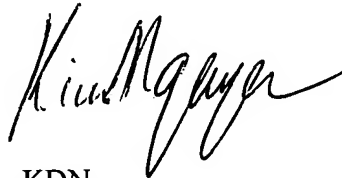
Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "KDN", with a stylized, cursive flourish extending from the end.

KDN

November 21, 2005